

Board of Parole Hearings Handbook



Information for Victims and their Families

**Office of Victim and
Survivor Services
April 2006**

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This handbook is intended to provide victims and their families with information about the parole hearing process. This information will be especially helpful, should you decide to attend the parole hearing.

For additional information and assistance please contact:

**Board of Parole Hearings
Victim Services Coordinator**

P.O. Box 4036
Sacramento, CA 95812-4036
(916) 327-5933
Toll-Free (866) 278-9282

**Department of Corrections and Rehabilitation
Office of Victim and Survivor Services**

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What is a parole hearing?

A parole hearing is a hearing to determine whether an inmate should be released on parole. Only inmates sentenced to life in prison with the possibility of parole receive parole hearings. An example of a life sentence with the possibility of parole is when an inmate is sentenced to serve a term of “15 years to life.”

Inmates serving life sentences with the possibility of parole are automatically eligible for a parole hearing one year prior to their “minimum eligible parole date.” An inmate’s “minimum eligible parole date” is the earliest possible date they can be released, based on their sentence. Just because an inmate has been scheduled for a parole hearing does not mean he or she will be released on parole. The Board of Parole Hearings will determine whether inmates are suitable for parole. Inmates sentenced to life with the possibility of parole are not entitled to parole and can be held in prison for life.

Many inmates have several parole hearings before they are found suitable for release. Inmates convicted of murder can be denied parole for up to 5 years at a time, although denials for periods of 1 to 4 years are also possible. Inmates serving a life sentence for crimes other than murder can be denied parole for 1 or 2 years at a time.

Where are parole hearings held?

The hearings take place inside correctional institutions (also known as prisons). Correctional institutions are safe and very secure; however, you may need to prepare yourself for this unique environment. The institutions are heavily constructed buildings with thick concrete walls and heavy metal locking doors. You are likely to see inmates walking around inside the institution. This is normal. You will not be alone and should not be alarmed. Do not hesitate to ask questions before, during and after the parole hearing.

Who can attend a parole hearing?

The victim and the victim’s family may attend and speak at the hearing in the following order of priority:

- ❖ Spouse (including registered domestic partners)
- ❖ Children
- ❖ Parents
- ❖ Siblings
- ❖ Grandchildren
- ❖ Grandparents

One support person may accompany each victim and family member to the hearing. Support persons are not permitted to participate in the hearing. Victims and their families also may choose to designate someone to be their representative at the hearing who will speak on their behalf. Please be aware that many hearing rooms are relatively small and, therefore, the number of individuals allowed to attend the hearing may be limited.

What do I do if I want to attend a parole hearing?

Call or write the Victim Services Coordinator at the Board of Parole Hearings at least two weeks before the hearing. This will give the Department of Corrections and Rehabilitation enough time to clear you for entry into the correctional facility where the hearing will be held. Contact information for the Victim Services Coordinator is located on page 2.

What do I need to bring with me to the parole hearing?

You need to bring valid government-issued picture identification with you. Examples of acceptable government-issued picture identification include the following:

- ❖ State driver's license with picture (not laminated)
- ❖ California Department of Motor Vehicles identification card with picture (not laminated)
- ❖ Armed Forces identification card with picture
- ❖ Identification card issued by the United States Department of Justice Immigration and Naturalization Services with picture
- ❖ Passport with a picture
- ❖ Picture identification Matricula Consular De Alta Seguridad issued by the Mexican Consulate

You also need to bring a copy of your gate clearance memorandum. The Board of Parole Hearing's Victim Services Coordinator will send you a copy via U.S. Mail (time permitting) or by facsimile (if requested) prior to the hearing.

What can I bring with me to the parole hearing?

The kinds of things that can be brought into an institution are very limited. The items you can bring with you to a parole hearing are limited to the following:

- ❖ A handkerchief (no bandannas)
- ❖ Tissue
- ❖ Car keys
- ❖ Writing materials and documents
- ❖ A book
- ❖ Small clear change purse
- ❖ Small food items such as whole fruit, a sealed granola bar or a candy bar
- ❖ Critical medications
- ❖ Critical medical equipment and supplies
- ❖ Copy of Gate Clearance Memo

The following items are strictly prohibited inside an institution:

- ❖ Food items other than whole fruit, a sealed granola bar, or a candy bar (vending machines are available if you would like to purchase something to eat or drink, inside the facility)
- ❖ Chewing gum
- ❖ Purses
- ❖ Cell phones, pagers, recording devices, and cameras
- ❖ All tobacco products (including cigarettes), lighters, and matches

Please let the Victim Services Coordinator know if you have medical and/or disability-related assistive devices such as a wheelchair, pacemaker, service animal, oxygen, prosthetic device, etc. Contact information for the Victim Services Coordinator is located on page 2.

What do I wear to the parole hearing?

It is recommended you dress conservatively (no sheer or transparent clothes, strapless or “spaghetti” strap tops, shorts, short skirts or dresses, clothes that expose the midriff area or items displaying obscene or offensive language or drawings). For your safety, no blue jeans, denim or dark blue work shirts are permitted (inmates wear this type of clothing).

Most victims and their families will need to pass through a metal detector, so it is recommended you avoid wearing hairclips, hairpins, excessive jewelry, belt buckles, steel-toed shoes and suspenders.

You may be denied access into the institution if you wear inappropriate attire. Please call the Victim Services Representative at the institution where the hearing will be held if you have questions about what to wear. Contact information is listed on page 9.

What happens once I arrive at the institution?

A Victim Services Representative will greet you when you get to the correctional facility. You will be asked to present identification (see “What do I need to bring with me to the parole hearing?” on page 4 for a list of acceptable forms of identification).

The Victim Services Representative will escort you through a security screening process. Security screening in correctional facilities is similar to the screening used in airports. You will be asked to go through a metal detector. If the alarm sounds, a hand-wand metal detector will be used and you may be subjected to a cursory search over your clothes (also known as a “pat-down”). Please let security staff know if you are unable to pass through a metal detector for medical, religious or cultural reasons and staff will instead conduct a cursory search over your clothes.

Persons with disabilities or medical conditions are encouraged to bring documentation of their condition to help facilitate the security screening process, but it is not required.

Once inside the facility, the Victim Services Representative will take you to a waiting room. The Victim Services Representative will remain with you and will be able to answer your questions at any time.

If you are denied entry into the correctional facility, show security your copy of the gate clearance memorandum mailed to you from the Board of Parole Hearing’s Victim Services Coordinator. Ask security staff if they received a copy of your gate clearance. In the unlikely

event it was not received, security staff will contact the Board of Parole Hearing's Victim Services Coordinator to resolve the issue.

If your denial of entry into the institution cannot be resolved, please ask security staff to contact the warden's office. Note: If you were convicted of a crime or served time in state prison and did not disclose this information when you requested to attend the parole hearing you may be denied entry.

Who else will be at the parole hearing?

Board of Parole Hearings Panel. Each panel has two members, at least one who is a Commissioner appointed by the Governor. The other person will likely be a Deputy Commissioner who works for the State, although it may be another Commissioner.

Inmate. The inmate can choose whether or not to come to the hearing and can decide at the last minute.

Inmate's Attorney. The inmate's attorney will be at the hearing unless the inmate has chosen to not have one.

Prosecutor. Usually a representative from the District Attorneys office that prosecuted the inmate will attend the hearing. This person may attend the hearing. It is not required.

Other Victims and their Families.

News/Media. Members of the press may attend a hearing only when approved by the Board. You will be informed if press will be present.

Observers. In rare occasions, persons not connected to the case may be permitted to observe a parole hearing for educational purposes.

What happens in a parole hearing?

The purpose of a parole hearing is to determine if or when an inmate can be returned to society. The panel will determine if the gravity of the crime (offense), or the timing and gravity of current or past convictions, requires a lengthier period of incarceration to ensure public safety.

In general, the panel will review and consider several factors concerning the inmate, including his or her:

- ❖ behavior in prison (i.e., disciplinary notices or accomplishments);
- ❖ participation in vocational and educational programs;
- ❖ involvement in self-help therapy programs that can range from anti-addiction programs for drugs and alcohol to anger management; and,
- ❖ parole plan, including where he or she would live and how he or she would support himself or herself if released.

WARNING! The hearing panel and inmate may discuss graphic details of the crime(s) committed. If you do not want to hear the details of the crime, ask the panel members to give you an opportunity to excuse yourself prior to any graphic discussions.

What should I say in the parole hearing?

Victims and their family members have the right to prepare a victim impact statement. This is your opportunity to make a public statement about the crime and how it has affected you and others such as your family, friends, and community. The following information is provided only as a guide when preparing a victim impact statement.

A victim impact statement should be a written or oral description of the physical, financial, emotional, and even spiritual effects a crime has on an individual victim, or family of a victim. In some cases, it may also describe how a neighborhood or community has been affected.

Victims and their families should express how the crime has personally affected them from an emotional or psychological standpoint. To assist you with your thoughts and feelings it is recommended you write an impact statement on paper. Describe how life has changed for you and your family. Describe certain details of the crime and the offender's actions that you want the panel to know. State your concerns about the offender being granted parole.

Victims and their family members speak last at parole hearings. The inmate and his or her attorney are **not** permitted to ask you questions during the hearing.

When will I know the results of the parole hearing?

After everyone has spoken, the hearing panel will stop the hearing and go into an executive session to make a decision. Everyone except the panel members will leave the room. You will come back into the hearing room when the panel is ready. The Commissioner will then announce the decision. In the event there is a split vote, the matter will be elevated to the full Board of Parole Hearings for a final decision at a later date.

What happens if the inmate is granted parole?

If parole is granted, the panel will explain the decision. All decisions to grant parole are reviewed by the Board of Parole Hearings and the Governor to ensure public safety is not compromised. The inmate will not be released before the review is completed. The review process may take as long as 150 days.

What happens if the inmate is denied parole?

If parole is denied, it will be denied for a specific period of time (one to two years for non-murderers and up to five years for murderers).

What are my options if I do not go to the parole hearing?

If you are unable or do not want to travel to a parole hearing, you may submit a written statement, an audio or video statement, appear by video-conference, or have someone speak on your behalf.

Submitting Written Statements:

1. Mail your statement to the *Classification and Parole Representative (C&PR)* at the institution where the hearing is going to be held.
2. Mark the letter "CONFIDENTIAL."

3. To ensure the letter is processed correctly and timely, put the inmate's name, his or her CDC number, and the hearing date on the letter.
4. Submit your written statement three weeks before the hearing to ensure it is considered.

Audio or Video Statements: You may also send an audio/video tape, or DVD of your statement to be played at the hearing. The audio/video tape or DVD needs to be submitted with a letter requesting that it be played at the hearing. The audio/video tape or DVD needs to be received at the correctional facility three weeks before the hearing. A typed transcript of the words on the audio/video tape or DVD must also be sent. In order to save money, you can do this yourself. If you cannot make the transcript yourself and you live in California, call your local Victim/Witness Assistance Center for help. There is one in every county in California. To find one near you, call **1-800-VICTIMS**, Monday through Friday. Victim/Witness Assistance Centers can also help you find a business to make the transcript for you. If you do not live in California, please contact the national resource center for victims at **1-800-851-3420** for assistance.

Appearing Via Video-Conference: Some institutions, district attorney offices, and courts have video-conferencing equipment available that will allow you to participate in the parole hearing from a remote location. Video-conferencing equipment availability is limited. Please contact the district attorney's office that prosecuted the case or the Board of Parole Hearing's Victim Services Coordinator for more information.

Sending a Representative. You may also get an attorney or designate someone as a representative to appear and speak on your behalf. Finally, the district attorney's office that prosecuted the inmate can also speak for you. Call the district attorney's office for assistance.

How can I make sure I receive notice of future hearings?

If the inmate is denied parole, it is likely there will be at least one future parole hearing. If you would like to receive notice of future hearings directly from the Department of Corrections and Rehabilitation, please call or write the Board of Parole Hearings (contact information is located on page 2). Please include your name and your relationship to the victim. Give the inmate's name and CDC number. If you do not know the CDC number, give any other information you have, such as a birth date or the date the inmate was sent to prison. You will be notified at least 30 days before the hearing.

California Correctional Institutions

A list of California correctional institutions (also known as prisons) for adult offenders is on the next page. Driving directions for each facility is available on the Internet at <http://www.cdcr.ca.gov/Visitors/facilities.html> or by calling the facility directly. For any additional information, please call the Board of Parole Hearing's Victim Services Coordinator. (Contact information is located on page 2).

California Correctional Institutions

Avenal State Prison

#1 Kings Way
Avenal, CA 93204
(559) 386-0587

California Correctional Center

711-045 Center Road
Susanville, CA 96130
(530) 257-2181

California Correctional Institution

24900 Highway 202
Tehachapi, CA 93581
(661) 822-4402

California Institution for Men

14901 Central Avenue
Chino, CA 91710
(909) 597-1821

Correctional Institution for Women

16756 Chino-Corona Road
Corona, CA 92878
(909) 597-1771

California Medical Facility

1600 California Drive
Vacaville, CA 95696
(707) 448-6841

California Men's Colony

Highway 1
San Luis Obispo, CA 93409
(805) 547-7900

California Rehabilitation Center

5th Street & Western
Norco, CA 92860
(909) 737-2683

California State Prison, Corcoran

4001 King Avenue
Corcoran, CA 93212
(559) 992-8800

California State Prison, Los Angeles County

44750 60th Street West
Lancaster, CA 93536
(661) 729-2000

California State Prison, Sacramento

Represa, CA 95671
(916) 985-8610

California State Prison, Solano

2100 Peabody Road
Vacaville, CA 95696
(707) 451-0182

California Substance Abuse Treatment Facility and State Prison

900 Quebec Avenue
Corcoran, CA 93212
(559) 992-7100

Calipatria State Prison

7018 Blair Road
Calipatria, CA 92233
(760) 348-7000

Centinela State Prison

2302 Brown Road
Imperial, CA 92251
(760) 337-7900

Central California Women's Facility

23370 Road 22
Chowchilla, CA 93610
(559) 665-5531

Chuckawalla Valley State Prison

19025 Willey's Well Road
Blythe, CA 92226
(760) 922-5300

Correctional Training Facility

Highway 101 North
Soledad, CA 93960
(831) 678-3951

Deuel Vocational Institution

23500 Kasson Road
Tracy, CA 95378
(209) 835-4141

Folsom State Prison

Represa, CA 95671
(916) 985-2561

High Desert State Prison

475-750 Rice Canyon Road
Susanville, CA 96127
(530) 251-5100

Ironwood State Prison

Blythe, CA 92226
(760) 921-3000

Kern Valley State Prison

3000 West Cecil Avenue
Delano, CA 93216
(661) 722-6300

Mule Creek State Prison

4001 Highway 104
Ione, CA 95640
(209) 274-4911

North Kern State Prison

2737 West Cecil Avenue
Delano, CA 93216
(661) 721-2345

Pelican Bay State Prison

5905 Lake Earl Drive
Crescent City, CA 95531
(707) 465-1000

Pleasant Valley State Prison

Coalinga, CA 93210
(559) 935-4900

R.J. Donovan Correctional Facility

480 Alta Road
San Diego, CA 92179
(619) 661-6500

Salinas Valley State Prison

Soledad, CA 93960
(831) 678-5500

San Quentin State Prison

San Quentin, CA 94964
(415) 454-1460

Sierra Conservation Center

5100 O'Byrnes Ferry Road
Jamestown, CA 95327
(209) 984-5291

Valley State Prison for Women

21633 Avenue 24
Chowchilla, CA 93610
(559) 665-6100

Wasco State Prison

701 Scofield Avenue
Wasco, CA 93280
(661) 758-8400

Frequently Used Terms

The terms listed below are often used during the parole hearing process. Please do not hesitate to ask the Victim Services Representative at the institution where the hearing is going to be held or the Victim Services Coordinator at the Board of Parole Hearings if you have any questions.

Board: Another term used for a Hearing Panel.

Board of Parole Hearings (BPH): BPH is comprised of 17 members appointed by the Governor. Of the 17 commissioners, 12 determine parole suitability for adult inmates, and five determine parole suitability for juvenile offenders.

BPH Victim Services Coordinator: The person you call if you want to attend a parole hearing or if you want to request notice of a parole hearing. You can reach this person toll-free at (866) 278-9282.

California Department of Corrections and Rehabilitation (CDCR): The California Department of Corrections and Rehabilitation is responsible for adult offenders sentenced to state prison and for juvenile offenders sent to the state's juvenile correctional facilities. The CDCR also is responsible for supervising these offenders if they are released on parole. The Secretary of the Department is appointed by the Governor and serves as a member of the Governor's Cabinet.

Cancellation: The cancellation of a life parole consideration hearing is somewhat rare. A hearing may be cancelled as a result of a court order or when an offender's "minimum eligible parole date" (see below for definition) has not been determined correctly.

Panel Chairperson: The BPH hearing panel member who states the decision whether to grant or deny parole. He or she is usually a commissioner.

Classification and Parole Representative (C&PR): The person at the correctional facility who receives your written statement or the audiotape/videotape/DVD of your statement. You can also call this person to ask any questions you may have about the facility and its programs by calling the facility phone number and asking for the C&PR. A listing of correctional facilities is located on page 9 of this brochure.

Commissioner: A member of the BPH. Board of Parole Hearings' Commissioners are appointed by the Governor.

Deputy Commissioner: A member of the BPH hearing panel who is an employee of the State of California.

Determinate Sentence: A sentence with a fixed term set by law. Inmates sentenced only to determinate terms do not receive parole consideration hearings. Inmates serving a determinate term are instead released from prison once they have served their time. Most offenders are entitled by law to have their sentences reduced by a specified percentage (15 to 50 percent) unless they behave poorly while incarcerated.

Executive Session: A session at the end of the hearing when the panel members discuss whether or not to grant the inmate parole. Everyone leaves the room except the two panel members during an executive session.

Indeterminate Sentence: A sentence of an unspecified duration, such as 15 years to life. Inmates serving indeterminate terms receive parole consideration hearings to determine if they are suitable to be released on parole. Indeterminate sentences also are referred to as “life terms.”

Minimum Eligible Parole Date (MEPD): The earliest date inmates serving a life sentence may be legally released on parole. The Board schedules an inmate’s initial parole consideration hearing 13 months prior to his/her MEPD.

Office of Victim and Survivor Services (OVSS): The Office of Victim and Survivor Services is the victims program within the California Department of Corrections and Rehabilitation (CDCR). The OVSS strives to ensure crime victims’ rights are proactively enforced throughout the state correctional system. The OVSS provides assistance and services to victims and their families at all levels within CDCR.

Postponement: The rescheduling of a parole hearing to a future date. A hearing may be postponed for “good cause.” For example, a hearing may be postponed because an inmate has a case pending in court. A hearing may also be postponed because the inmate did not have sufficient time to prepare or was not able to get necessary documents to present to the hearing panel. Requests for postponement received less than 10 working days prior to a hearing will be considered by the Board, but are generally presumed to be invalid. The Board’s policies concerning postponements, continuances and stipulations can be found in Section 2253 of Title 15 of the California Code of Regulations.

Stipulation: A stipulation is an agreement between the Board and an inmate that the inmate is not suitable for parole. A stipulation can happen at or before the parole hearing (unless it is the inmate’s initial parole consideration hearing). No hearing will be held if there is a stipulation. The stipulation will specify how long it will be before the inmate will again be scheduled for a parole hearing.

Transcript: The typewritten record of everything said on the record at a parole hearing or a typewritten record of a victim impact statement.

Victim Impact Statement: A statement that describes the emotional, financial, physical, and/or spiritual impact the crime had on the victim, the victim’s family, and/or the community.

Victims’ Notice of Hearing form (BPH Form 1087D): A form that tells you the date, time, and place of the parole hearing. Upon your request, this form will be sent to you by the institution where the hearing will be held at least 30 days before the hearing.

Victim Services Representative: A person at the correctional facility who will contact you before the hearing, meet you at the gate on the day of the hearing, assist you before, during, and after the hearing and who will answer your questions.

Victim/Witness Assistance Center: County centers that help victims and their families. Call 1-800-VICTIM to find one near you.